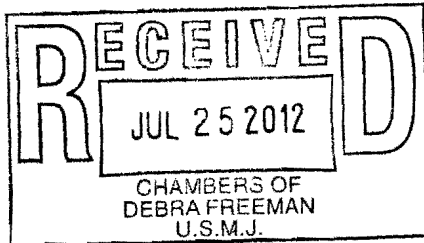


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DATE FILED: 7/25/12

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July 25, 2012

The within schedule is adopted

SO ORDERED: DATE: 7/25/12

VIA FACSIMILE TRANSMISSION -- (212) 805-4258

Honorable Debra Freeman
United States Magistrate Judge
United States District Court for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 525
New York, New York 10007-1312

..... *Debra Freeman*
DEBRA FREEMAN
UNITED STATES MAGISTRATE JUDGE

Re: Robledo, et al. v. No. 9 Parfume Leasehold, et al.
Case No.: 12-cv-3579 (ALC) (DF)

Dear Judge Freeman:

MEMO ENDORSED

This firm represents the defendants in the referenced action. As your Honor instructed yesterday, at 9:00 a.m. this morning we tried, together with counsel for the plaintiffs, to telephone the Court for a conference call, but were answered only by a voice mail recording. After several attempts, we left a message stating that the parties had reached agreement on the matters that were addressed in our conference call with the Court yesterday morning and that this letter would follow. On behalf of all counsel, we wish to inform the Court that the parties agreed as follows:

1. Counsel for the plaintiffs represented that the Complaint that was served and which bears counsel's signature is the one that was filed with the Court Clerk, not the one that was filed on ECF and is available by PACER. The parties agreed, therefore that amending the Complaint is feasible without having to address the question of whether a complaint that has been filed but not signed may be amended without further action.
2. By this Friday, July 27, plaintiffs will provide defendants with a proposed amended complaint.
3. By this Friday, July 27, defendants will supply plaintiffs with the formal names of the corporate entities affiliated with the existing defendants that operate all boutiques/retail stores that the defendants maintain in the Tri-State area. Plaintiffs agreed that the amended complaint will be limited to defendants' boutiques/retail stores in the Tri-State area.

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Hon. Debra Freeman
July 25, 2012
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4. By Tuesday, July 31, defendants will advise whether defendants are willing to accept service on behalf of the previously un-served defendants that may be added in the amended complaint.

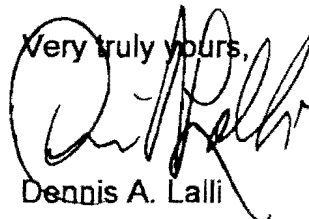
5. By Tuesday, July 31, defendants also will advise plaintiffs as to the extent, if any, to which we oppose amendment of the Complaint on grounds of futility or any other legitimate ground for opposition.

6. If there is to be a motion to amend the Complaint, plaintiffs will make it by Wednesday, August 1. Defendants will have until August 31 to oppose, and plaintiffs' reply will be due two weeks later, on September 14.

7. Plaintiffs will make their motion for conditional class certification by Friday, August 3. Defendants' opposition will be due September 7, and plaintiffs' reply will be due two weeks later, on September 21. However, the parties also agreed that if defendants contend that the amended complaint is such that a motion for conditional certification is premature without an Answer having been filed against the amended Complaint, defendants will so advise plaintiffs. Defendants then will seek agreement on a revised briefing schedule to submit to the Court. If such an agreement cannot be reached, the parties will so advise the Court and ask for the Court's intervention.

The parties remain available for a conference call today if the Court wishes, except I will be out of my office and generally unavailable after 1:30 p.m. I could schedule a conference call any time tomorrow (Thursday).

Thank you for your attention to this matter.

Very truly yours,

Dennis A. Lalli

cc: Peter Andrews, Esq. (via e-mail transmission as a pdf document)